

Filed

JAN 15 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT JOSEPH SIMMONS,

Petitioner,

v.

MAGUIRE CORRECTIONAL
FACILITY OF SAN MATEO COUNTY,
et al.


Respondent(s).

No. C 13-05409 EJD (PR)

ORDER OF DISMISSAL

On November 20, 2013, Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Docket No. 1.) In addition, Petitioner filed an incomplete motion for leave to proceed in forma pauperis. ("IFP"). (Docket No. 2.) On the same day, the Clerk of the Court notified Petitioner that he had failed to pay the filing fee or file a complete IFP Application and that he needed to do so within twenty-eight days or his case would be dismissed. (Docket No. 3.) The deadline has since passed, and Petitioner has failed to respond. Accordingly, this case is **DISMISSED** without prejudice for failure to pay the filing fee.

DATED: 1/15/14


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ROBERT JOSEPH SIMMONS,

Case Number CV 13-05409 EJD (PR)

Petitioner,

CERTIFICATE OF SERVICE

v.

MAGUIRE CORRECTIONAL FACILITY
OF SAN MATEO COUNTY, et al.,

Respondent(s).

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 1/15/14, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) inter-office delivery receptacle located in the Clerk's office.

Robert Joseph Simmons
1061745
Maguire Correctional Facility
300 Bradford Street
Redwood, CA 94063

DATED: 1/15/14


Richard W. Wieking, Clerk
By: ~~Elizabeth Garcia~~, Deputy Clerk